

NEW BOOKS.

Continued from Seventh Page.

The foreign notices have been excluded for the most part since that publication has been amalgamated with "Who's Who." If this publication hopes ever to become an English "Vapereau" many important Englishmen who are now left out should be noticed and a lot of unimportant persons, whose inclusion was only excusable in consequence of the book being too covering, could be left out with great advantage.

A curious collection of odds and ends of scientific information has been made by Mr. James C. Fernald in "Scientific Side-Lights" (Funk & Wagnalls Company). The articles were apparently brought together in consequence of the author's work on the "Standard Dictionary." A good deal of the material consists of excerpts from scientific books and the author assures us that "it can be absolutely relied upon." However that may be it brings together a lot of very miscellaneous matter, which will be found useful to many persons and the use of which is facilitated by extremely elaborate indexes.

"The Poetical Works of John Keats," edited with an introduction and memoir by Walter S. Scott, is published in the "Hampestead Edition" by the Macmillans. So far as we are aware, it is our old friend, the excellent "Globe Edition," on thicker and better paper. It seems a pity that with an author whose output is so small as Keats's was, a one-volume edition as large as this could not have been made to include the prose works as well.

A memorial to an eloquent and picturesque American statesman with the title, "A Collection of the Writings of John James Ingalls. Essays, Addresses and Orations," by the Hudson Kimberly Publishing Company, Kansas City, Mo. Several of the characteristic speeches and writings of the late Senator from Kansas are included, among them "Blue Grass," "The Work of the Place in History," the Gettysburg oration and the addresses on Garfield, Blaine and Kansas. There is no indication of when the various articles first appeared. The collection gives a fair idea of Mr. Ingalls's talents.

Mr. James A. Garland's excellent and comprehensive work on everything that relates to the care of horses, "The Private Stable: Its Establishment, Management and Appointments," is published in a new edition by Little, Brown & Company. Additional chapters are supplied by different writers on hunters, on driving, on driving on wheels, on driving for women. The book is very fully illustrated and is a valuable reference book for all who have to do with the stable.

Though intended as a handbook for bakers, "The Baker's Book," edited by Emil Braun (Emil Braun, Bath Beach), will prove interesting to every one who reads it. It is a judicious translation of the most important materials from "Das Backerbuch," by Herr Busch, and besides countless directions for making different sorts of bread, contains much historical information about the craft and many anecdotes. The book is well illustrated and colored plates, a well-done piece of work.

Books Received.

"The Writings of James Monroe," Vol. VI, Edited by Stanislaus Murray Hamilton, (G. P. Putnam's Sons).
 "The Proof of Life After Death," Edited by Robert J. Thompson. (Robert J. Thompson, Chicago).
 "Stories of Humble Friends," Katharine Pyle. (American Book Company).
 "School Composition," William H. Maxwell and Emma L. Johnston. (American Book Company).
 "The Sabbath Transferred," The Rev. John D. Parker, Ph. D. (John D. Parker & Co., East Orange, N. J.).
 "A Garland of Verses for the Heart of Todd," Albert Lindsey Baker. (Eastern Publishing Company, Boston).
 "Letters of an American to His Friend," J. S. Ogilvie Publishing Company).
 "Black Hill Hall," Robert V. Carr. (The Lee Publishing Company, Denver).
 "Advanced Algebra," William J. Miller, Ph. D., LL. D. (American Book Company).
 "Uttarism," George Willis Cooke. (American Unitarian Association).
 "The Methodist Year Book, 1903," Edited by Stephen F. R. Ford. (Union & Main).
 "The Story of the Greatest Nations," Paris St. 44. (Francis R. Niguchach).

FEZ AGAIN IN DANGER.

Sultan Orders His Brother Back to Prison—Miserable Leave.

Special Cable Dispatch to THE SUN.
 LONDON, Jan. 10.—The latest reports from Tangier, purporting to describe the situation at Fez, are that the Sultan, jealous of the growing popularity of his brother, who he had created chief of the army after his release from prison, has ordered that he be imprisoned again. The people of Fez had already begun to salute Muley Mohammed as Sultan. The despatches add that there are the gravest prospects in the situation, and the Sultan's position is most critical.

The American Protestant mission has been compelled to leave Fez, Muley Mohammed having demanded as a condition precedent to his helping his brother, the Sultan, that the European influence should cease at the court. The departure of the mission apparently occurred prior to the reported reimprisonment of Muley Mohammed.

DROPPED CHRISTIAN DEMOCRACY.

Vatican Officials Did Not Share Pope's Sympathy With It.

Special Cable Dispatch to THE SUN.
 ROME, Jan. 9.—The Christian Democratic movement, of which Abbe Romolo Nurri was the head, has been ended owing to the hostility of the Clerical party. It is hoped that some day the Vatican will change its views regarding the movement. It is known that the Pope's sympathy with the movement was not shared by the Vatican officials.

It has been seen that the recent collapse of the Pope while reading an address was to a certain extent diplomatic, the Pope not desiring to utter opinions which he knew would give offense to the Government. For this reason he stopped the reading, announcing that the remainder of his remarks would be issued to the Cardinals in printed form.

Germany to Send a Minister to Cuba.

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THE PHILHARMONIC CONCERT.

FOURTH PUBLIC REHEARSAL AT CARNEGIE HALL.

Beethoven's Beautiful Seventh Symphony and Richard Strauss's "Till Eulenspiegel's Merry Pranks" Heard Again—Mrs. Kirkby Lunn the Soloist.

The fourth public rehearsal of the Philharmonic Society, which spread itself upon the minutes of the season at Carnegie Hall yesterday afternoon, was a musical function of sober respectability and reflective decorum. The programme was of selective variety, yet of romantic unity. All the compositions belonged to the era of modern romanticism, though one has taken its place among the classics. This one was Beethoven's glorious symphony in A major, the seventh, which Wagner described as the apotheosis of the dance. The remainder of the list was composed of Berlioz's "The Captive," Richard Strauss's orchestral work "Till Eulenspiegel's Merry Pranks," two songs by Wagner—"Im Treibhaus" and "Schmerzen"—and the theme and variations from Tchaikovsky's third suite for orchestra.

It was a solid pleasure to hear Beethoven's seventh symphony again. No doubt there are some restless and insatiable seekers after the eternal new thing who have outgrown zest of appetite for this work, but their state is not to be envied. It wears well with those to whom the lasting things in art are precious. The wonders of the mastery working out of the first movement, which seek for something deeper than the mere fashion of external.

Naturally, however, the chief interest yesterday's concert centred in the repetition of the Strauss composition, which has not been heard here since the Boston season of 1897. It was first played here on Feb. 27, 1898, by the same orchestra under Emil Paur. Till Eulenspiegel is a German character who goes through life playing all sorts of tricks on people. Strauss has always refused to give a schedule of the meanings which he had when he perpetrated this stupendous joke on the modern orchestra, but it is not difficult to imagine that he had in mind a sort of humorous view of his own career.

No doubt he smiles often when he thinks how with his amazing powers he has played pranks in the world of art and got the reputation of being a mischief-maker. His position in Till is caught and hanged for his devilry and then Strauss gives us a sort of epilogue which seems to mean that Till should have been an object of pity rather than of hatred. One thing it seems fair to infer from the nature of this music and the fact that Eulenspiegel did some things that are not for publication.

Mendelssohn made a humorist out of the bassoon by causing it to play music which sounded absurd from this instrument. He was a child compared to Strauss who, with a marvelous technique little short of devilish, plays ducks and drakes with all the instruments of the orchestra. He gives goose-stepping over the highest ledger lines; goes gibber and cackle and squeak in their uppermost register; clarinets chirp acidulous staccato throughout their scale; bassoons gangle and grumble and growl all over the scale; and tenors and baritone horns sputter and spatter in woolly coughs; trombones snort and hallow like brazen oracles; and the whole orchestra is a jumble of bull, triangles and tambours wrangle, and tympani puff and thump till all spirits.

A vast and writhing kaleidoscope of bizarre color is presented at times, and the ugliness of it is filled with the deadly fascination of one of those half-dissected grotesque faces in the "Garden of Eatin'." It is a humorist. It would make an English doctor of music laugh till tears came to his eyes. But it is clever. It is humorously clever, but the man who wrote it was a wonderfully ingenious scallawag.

The gentlemen of the Philharmonic Society played it very well indeed. They were not a virtuoso orchestra, but they were good routine and when they buckle to their work they can make a valiant struggle even with the amazing orchestration of the music. It is a pity they did not extend themselves in the same way in the seventh symphony, which they played with the same routine and the same dejected state of cold conventionalism. Mr. Damosch, for reasons of his own, felt it wise to take the Trio of the dejected state of cold conventionalism. Mr. Damosch, for reasons of his own, felt it wise to take the Trio of the dejected state of cold conventionalism.

Let us give thanks for that.

"FAUST" AT THE OPERA.

Mme. Eames Indisposed and Mme. Seygard Sings Marguerite.

It was a novelty to find "Faust" bringing up the rear end of the seventh week of the season of opera at the Metropolitan Opera House. Yet the fact must go on record that it was performed for the first time this season last night, the seventh Friday night of the series. It used to be the custom to bring "Faust" forward at the beginning and give it not only early but often till one irreverent scribe, with the memory of the sacred Festspielhaus at Bayreuth in his mind, christened the Metropolitan the Faustspielhaus. But those halcyon days are gone, and "Faust" has to give way to such modern concoctions of small vaudeville as "Tosca" and "La Bohème."

But a good thing is none the less delightful because we have to wait for it. "Faust" deferred maketh not the heart sick, but gladdeneth the soul of him who thirsteth after beautiful melodies. Gounod's masterpiece is getting on toward its hundredth anniversary, and it is as young and lovely as it was the day it burst upon the world, and it is much better beloved. Last night's performance might have been better had it not been necessary for the manager to file what sea-faring men call a protest. When Mme. Seygard was delayed by head winds and heavy seas the skipper flew a protest against wind and weather to protect himself against certain consequences. When Mme. Seygard was driven by wind and weather to such a position that she cannot sing, a manager who has no other resource than to stop the reading, announcing that the remainder of his remarks would be issued to the Cardinals in printed form.

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Valentine. He sang the air generally known as "Die Posten" with the French text last night. That was the improvement for the old Italian words always sounded out of place in a French performance. Miss Bridwell sang an ineffective "Die Posten," and Miss Bauermeister sang "Die Posten" in her usual style or, rather, for there is no style about it. Mr. Mancinelli conducted. Some new scenery brightened the general appearance of things.

CIRCLE THEATRE BROKE HIM.

Arthur Etherington in Bankruptcy—Actors Who Had a Sparse Christmas.

Arthur Etherington, actor, of Herbert & Etherington, the firm which failed to make a paying enterprise of the Circle Theatre at Broadway and Fifty-ninth street, has filed a petition in bankruptcy. The theatre closed shortly before Christmas. Etherington's liabilities are for rent, printing, merchandise, and salaries owed to actors, in all amounting to \$10,100. There are no assets. All his debts were contracted while he and Herbert had the theatre in November and December.

Among the creditors are forty actors and actresses, including Blou Fernandez, \$75; Mrs. Thomas Barry, \$75; Alice Neal, \$50; W. H. Collier, \$100; Charles W. Swan, \$250; Charles Hall, \$125; W. H. Richmond, \$50; and Fred Williams, \$25.

LIVE TOPICS ABOUT TOWN.

The funeral held last week at the hyphenated hotel was the first to take place there and was a special privilege to one who had formerly been a liberal guest of the house. Sad as the event was its effect on some of the frequenters of the hotel is said to have been cheering. The hotel, a faithful frequenter known as the "Waldorf," a kind of settler unknown before the Waldorf habit became so virulent, had been more content with the hotel, ever did as they survey the crowds that pass through the corridors. Yesterday a man noticed this change in their looks and remarked to his companion:

"Of course they look happier," was his answer. "They know now that they won't have to get up at four o'clock in the morning. They can have my upstairs and put in at least another twenty-four hours here by that means."

Clyde Fitch has reached that satisfactory stage of his career as a dramatist which enables him to demand of managers the entire control of the way in which his dramas are acted. Just what shall play them and how they shall be played are matters that Mr. Fitch alone can decide. When he reaches a point from which he can decide what the actors in his company are to do, he is a dramatist. Mr. Fitch's taste in dress as he personally exhibits it is certainly the most modern and the most effective if he applied it to the stage. His overcoat is unique in sartorial display. He wears a long, dark, military coat, the ways in which similar overcoats have been created in other cities was given by Walter Damosch, who showed that it was the only one in the city. Mr. Fitch, using the present Philharmonic Society as a nucleus, by means of a guarantee fund of at least \$10,000, has elected a board of trustees, consisting of fifteen or more men and women who are interested in the theatre. The board of trustees has already signed their willingness to serve. The board of trustees has already signed their willingness to serve.

The situation at the Hotel Majestic the night when all the waiters left because their hotel had been discharged might suddenly come almost at any New York hotel. Most of the proprietors are in terror of this functionality, and his arrogance is often to be accounted for. Mr. Fitch is able to carry off his men at a moment's notice.

The vast estate left by William Schermerhorn will go to his widow and children in the course of events, but its ultimate destination will be a matter of greater uncertainty. Mr. Schermerhorn left no grand children. His married children, who have lived always with him, have always been children.

It is improbable that the family home in West Twenty-third street will be abandoned for many years to come. It will certainly not be during the lifetime of Mrs. Schermerhorn, and the second generation will be in the house. The estate of Mr. Schermerhorn, who were always liberal patrons of music, began this custom many years ago, and continuing society, when on one occasion they engaged the entire orchestra from the Academy of Music to play at their home.

Exclusiveness is frequently costly even when the wealthy attempt it without spending any more money than they are compelled to do. In the building of a country house, to-day, the importance of being shut out from the rest of the world by the first requisites considered, and real-estate fashions all tend to make the fence a notable part of every new estate. A New York architect recently surrounded a country house with a wall of iron fence that cost \$135,000. And it was by no means the most expensive that his firm had supplied.

W. Vanderbilt, Jr., has just begun to surround his estate on Long Island with a fence that is quite unpretentious in comparison with those of other Long Island estates. But he has just begun to surround his estate on Long Island with a fence that is quite unpretentious in comparison with those of other Long Island estates. But he has just begun to surround his estate on Long Island with a fence that is quite unpretentious in comparison with those of other Long Island estates.

George Fawcett of Baltimore has made a contract with the Shubert Bros. to produce a series of Isben plays at the Princess Theatre, beginning on Jan. 26. The plays will be produced on Monday, Tuesday and Wednesday nights, and Mr. Fawcett will play leading parts in the company.

Amelia Bingham's Leading Man. Mr. Lloyd Bingham has engaged W. L. Abington, late of the Adelphi, London, to support Amelia Bingham in "The Frisky Mrs. Johnson," Clyde Fitch's new play, which will be seen at the Princess Theatre on Feb. 9.

Burglars With Red Pepper. Mrs. Sophie Ruck, the wife of Julius Ruck, a tailor employed by Brokaw Bros., was robbed yesterday morning of \$75 by two men who forced their way into her flat at 313 West 12th street, and took her red pepper in her face.

Mrs. Ruck was found unconscious half an hour later by Mrs. Agnes Lambert, a neighbor, who called for the police. The police found Mrs. Ruck in a room on the fifth floor of the Fifth street station, and took her to a hospital. She is now recovering.

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Minister Bock's Body Brought Home. SAN FRANCISCO, Jan. 9.—The body of United States Minister Alfred E. Bock was brought back from Japan by the steamer Korea, which arrived today.

Three Ballots for Senator at Raleigh. RALEIGH, N. C., Jan. 9.—Three ineffectual ballots for United States Senator were taken in the Democratic caucus to-night.

KIPPLING'S "TRADE MARK" SUIT.

THE AUTHOR LOSSES ON APPEAL IN THE FEDERAL COURTS.

Offensive to Aesthetic Taste to Class Poems and Pills Together and He Has Not Established His Right to the Elephant's Head, Says the Court.

Rudyard Kipling's suit against G. P. Putnam's Sons for \$25,000 damages for infringement of copyright and trade mark and unfair competition was decided against him for the second time yesterday when the United States Circuit Court of Appeals sustained the action of Judge Lacombe in dismissing the case a year ago.

The publishing firm bought from the author's authorized publishers in 1900 a number of unbound sheets of Mr. Kipling's writings and bound them up, together with some of his uncopyrighted writings, to form a "Bruswood" edition, which they placed on the market. Fifteen sets bore on the cover an elephant's head, inclosed in a circle. This, the plaintiff alleged, was his exclusive literary trade mark.

The Court held that Putnam's had a perfect right to purchase unbound leaves of Mr. Kipling's copyrighted works and to resell them in bindings of their own. As to Mr. Kipling's contention that the Putnam's appropriated his trade mark the Court says:

The proposition that an author can protect his writings by a trade mark is untrue, and, as first blush, seems somewhat absurd. It is certainly offensive to the aesthetic and poetic taste to place such poems as the "Elephant's Head" and "The Elephant's Head" on the same category with pills and soap, to be dealt in as such merchandise. In other words, the Court says that the trade mark is not a trade mark, but a literary device.

The Court goes on to state that the elephant's head was not registered as a trade mark until after the present action was begun and John there was no evidence that it was ever used as such in this country or in England. No unfair competition on the defendant's part has been shown. The use of the elephant's head, the Court says, was an "impropriety," but it did not prove intentional deception.

PERMANENT ORCHESTRA HERE.

Committee Formed and Fund Partly Subscribed to Start It.

A meeting in relation to the establishment of a permanent orchestra in New York was held at the home of Mrs. George R. Sheldon, 24 East Thirty-eighth street, on Jan. 5. A brief explanation of the need of a permanent orchestra for New York and the ways in which similar orchestras have been created in other cities was given by Walter Damosch, who showed that it was the only one in the city. Mr. Fitch, using the present Philharmonic Society as a nucleus, by means of a guarantee fund of at least \$10,000, has elected a board of trustees, consisting of fifteen or more men and women who are interested in the theatre. The board of trustees has already signed their willingness to serve.

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THE MCCONNELL DIVORCE SUIT.

Testimony of Witnesses Who Knew Florio's Wife as Mrs. Payne.

WHITE PLAINS, Jan. 9.—Supreme Court Justice Garrison heard testimony to-day in the action for an absolute divorce brought by Alexander McConnell, a New York florist, against his wife, Mabel McConnell. Neither the wife nor her lawyer was present.

According to the testimony, Mrs. McConnell was known as a part of the time as the wife of W. J. Payne, an insurance agent. The testimony against Mrs. McConnell all hinged on her photograph. Mrs. Mary E. Malloy, a dressmaker, who lived next door to the McConnell when they lived in New Rochelle, identified the photograph and declared that in 1898 she saw the defendant and Payne together frequently.

The witness declared that Payne apparently was the running of the McConnell house during the absence of the husband, that he went in without knocking and generally stayed almost all day. Detective William W. Wright told how he had shadowed Mrs. McConnell and traced her to 301 West 120th street, New York, where Payne had apartments. He said he saw her come out with Payne and that he was told there by the elevator men that she was known as Mrs. Payne. Lawyer McBurney then called Rose Johnson, the caretaker of an apartment house at 80 Manhattan avenue, and showed her a photograph of Mrs. McConnell. She said that it was the picture of a woman who lived in the Manhattan avenue house at one time and who claimed to be Mrs. W. J. Payne. Justice Garrison told Lawyer McBurney to prepare findings and judgment in favor of the plaintiff.

HOUSES FOR PARK SQUIRRELS.

Now the Question Is, Will the Squirrels Live in Them?

Park Commissioner Wilcox happened to see the nest of a gray squirrel, which was built of twigs and leaves on the branch of a tree in Central Park, knocked down by a recent heavy wind, and he thought something should be done to give the squirrels, of which there are several hundred in the Park, a stable winter home.

He placed the matter in the hands of Director Smith of the managerie, who had a dozen small houses built as an experiment. These were placed on trees in Mount Morris Park yesterday to see if the little animals would make use of them. If they do, they may be constructed and placed in the other parks.

The small houses are covered with bark and are made to resemble branches, with holes for doors. It is difficult to get squirrels to make use of houses.

Knickbocker Charity Ball.

The second annual Knickbocker Charity Ball was given last night in the big ballroom of the Waldorf-Astoria. Mrs. Henry Clark Coe of 8 West Seventy-sixth street, organized it. There were many naval and army officers in the military march that opened the ball. These included Rear Admiral Albert S. Barker, Col. Mills, Col. Bell, and Col. Murray. The ball was a success.

Walsh and Keas Raid Together. Acting Inspector Walsh and Capt. Keas of the West Sixty-eighth street station raided an alleged disorderly house in West Sixty-first street last night. They arrested six women and the alleged proprietor, Margaret Miller.

LEMAIRE ET PARIS.

It is quality that has made the name Lemaire famous. See that this name, spelled L-E-M-A-I-R-E (as above), is on the end and around the eye piece of every Opera and Field Glass you buy; otherwise you will buy worthless imitations. For sale by all responsible dealers.

METROPOLITAN OPERA HOUSE.

Under the direction of Mr. Maurice Grau. Special Season 1902-1903. The Metropolitan Opera House, New York. The Metropolitan Opera House, New York. The Metropolitan Opera House, New York.

WAGNER OPERA LECTURE RECITALS.

By Walter Damosch. The Metropolitan Opera House, New York. The Metropolitan Opera House, New York. The Metropolitan Opera House, New York.

NATIONAL ACADEMY OF DESIGN.

78th Annual Exhibition. American Fine Arts Galleries, 215 West 57th Street. The National Academy of Design, New York. The National Academy of Design, New York.

HERALD SQUARE.

For seven evenings only and presented by Mr. Richard Mansfield. The Herald Square, New York. The Herald Square, New York.

CASINO.

"A CHINESE HONEYMOON." SILENCE SOUVENIRS AT TO-DAY'S MATINEE. The Casino, New York. The Casino, New York.

FAVERHAM IMPROVEMENT.

CLYDE FITCH'S GREATEST PLAY. THE GIRL WITH THE GREEN EYES. The Faverham Improvement, New York. The Faverham Improvement, New York.

NEW SAVOY THEATRE.

CHARLES FROHMAN. MATINEE TO-DAY AND WEDNESDAY. THE GIRL WITH THE GREEN EYES. The New Savoy Theatre, New York. The New Savoy Theatre, New York.

GARRICK THEATRE.

LAST NIGHT. MATINEE TO-DAY. THE GIRL WITH THE GREEN EYES. The Garrick Theatre, New York. The Garrick Theatre, New York.

MRS. LANGTRY IN THE CROSS-WAYS.

Jan. 10.—Annie Russell in "The Cross-Ways." The Mrs. Langtry, New York. The Mrs. Langtry, New York.

ELIZABETH TYREE IN GREYNA GREEN.

Jan. 10.—Annie Russell in "Greytna Green." The Elizabeth Tyree, New York. The Elizabeth Tyree, New York.

THE NINETY AND NINE.

Prices \$5, \$10, \$15, \$20, \$25, \$30, \$35, \$40, \$45, \$50, \$55, \$60, \$65,